

*REMARKS*

In response to the Official Action mailed November 18, 2004, Applicants request reconsideration. In this Response, no claims are added, canceled, or amended, so that claims 1-12 remain pending. No new matter has been added.

The Official Action is incomplete. There is no reference to claim 12 except to state that the former, non-prior art rejection of claim 12 is withdrawn. Is claim 12 only objected to or rejected on the same basis as claims 1-11? Any explanation should be part of a Notice of Allowance or a new Official Action. Since the prior rejection of claim 12 was clearly erroneous and not responded to by amendment, any new rejection of claim 12 cannot properly be a final rejection.

Claims 1-11 are rejected as unpatentable over Fukazawa et al. (U.S. Patent 5,731,683, hereinafter Fukazawa) in view of Petler (U.S. Patent 5,542,034). That rejection is respectfully traversed.

The previous responses to this rejection are maintained by incorporation without being set out at length.

In the previous response, filed February 25, 2004, Applicants asserted that neither Fukazawa nor Petler is analogous art. The Official Action of November 18, 2004 fails to rebut that argument, which is hereby incorporated by reference into this Response. In response to Applicants' argument, the Official Action merely declares that "the cited references Fukazawa and Petler teach the claimed limitations as explained above." However, to even rely on those references for such alleged teachings the references must be analogous to the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992), and MPEP 2141.01(a). The Official Action has provided no evidence or argument to contradict Applicants' assertion that Fukazawa and Petler are not analogous art. Accordingly, *prima facie* obviousness has not been established because the references applied are not "art". The rejection of claim 1 and its dependent claims 2-11 should be withdrawn.

Moreover, even if Fukuzawa and Petler were analogous art, the combination of Fukazawa and Petler fails to teach or suggest all limitations of the claims. As noted in the Response filed February 25, 2004, the Office Action does not appear to allege that either Fukazawa or Petler teaches or suggests the state display editing means of claim 1. In the present Official Action, the previous statement is repeated without change. Thus, the new Action has failed yet again to provide any reasoning as to how the combination of Fukazawa and Petler teaches or suggests *state display editing means for adding/deleting elementary display parts to be displayed in each of the states of said composite display part*. In fact, neither Fukazawa nor Petler can teach such a limitation because neither publication discloses any teaching relating to

adding or deleting a display part that is to be displayed in relation to a state of a composite display part. Moreover, neither publication discloses any functional equivalent to a state display editing means as neither publication teaches or suggests anything relating to designing a display of a user interface.

Because the combination of Fukazawa and Petler fails to teach or suggest every limitation of claim 1, *prima facie* obviousness has not been established. Accordingly, the rejection of claim 1 and its dependent claims 2-11 should be withdrawn.

Regarding claims 3 and 4, Applicants further note that neither Fukazawa nor Petler discloses grouping states into a grouped state, or editing them *en bloc*. A CPU is not a display part within the scope of the patent application. Applicants presented this argument in the Response filed February 25, 2004, and the present Official Action provides no rebuttal.

Regarding claim 5, Applicants further note that neither Fukazawa nor Petler makes any mention of storing display part properties corresponding to size, position, and external appearance. Storage memory elements 12 merely store values corresponding to a next state of a FSM. Applicants presented this argument in the Response filed February 25, 2004. The present Official Action provides no rebuttal.

Regarding claim 10, the Official Action does not detail how the combination of Fukazawa and Petler discloses a simulation means. Applicants note that even if Fukazawa did disclose a simulation means, it would simulate the designed circuit, not a display part. Furthermore, even if Petler did disclose a simulation means, it would simulate an FSM, not a display part. Applicants presented this argument in the Response filed February 25, 2004. Neither a rebuttal nor requested explanation of the rejection has been provided.

Regarding claim 11, Applicants do not understand which feature of Fukazawa is alleged to be the virtual display part storing means. The text cited by the Official Action says nothing of virtual display parts, or a storing means for storing them (see column 12, line 55 to column 13, line 11 of Fukazawa). Applicants presented this argument in the Response filed February 25, 2004. Again, neither rebuttal nor requested explanation has been provided.

For the foregoing reasons, claims 1-11 and 12 should, upon reconsideration, be allowed.

In re Appln. of KONAKA et al.  
Application No. 10/073,269

Reconsideration and withdrawal of the rejections are earnestly solicited.

Respectfully submitted,



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Date: 2/15/05  
AWF:tps

Amendment or ROA - Final (Rev. 11-23-04)